

HOUSE No. 1925

The Commonwealth of Massachusetts

PRESENTED BY:

William N. Brownsberger

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the youth alcohol education program to reduce underage drinking and promote healthy choices

PETITION OF:

NAME:	DISTRICT/ADDRESS:
William N. Brownsberger	24th Middlesex
James Cantwell	4th Plymouth

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE YOUTH ALCOHOL EDUCATION PROGRAM TO REDUCE UNDERAGE DRINKING AND PROMOTE HEALTHY CHOICES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 138 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after section 34D, the following new section:— Section 34E. Persons under 21 years of age; consumption of alcohol; department of public health youth alcohol education program. Whoever, being under 21 years of age and not accompanied by a parent or legal guardian, is visibly intoxicated or has a detectable blood alcohol content of .02 or is in violation of Section 34A or 34C of this chapter, may be issued a civil citation by a police officer imposing a fine of three hundred dollars; provided, however, that this section shall not apply to the possession or consumption of alcohol for religious purposes protected by the first amendment to the United States Constitution or for lawful medicinal purposes. This section shall not apply to any person with a prior criminal record or to any person who causes serious personal injury or death of another person. In lieu of said fine, such minor and parent or guardian of such person may consent to enroll in a youth alcohol education program as provided herein. Said youth alcohol education program shall be established and administered by the department of public health to prevent and significantly reduce alcohol and controlled substance use and shall be specifically designed for the individual education, assessment and treatment of youth at risk of alcohol and controlled substance use. Youth alcohol education program providers utilized under the provisions of this section shall be certified by the department of public health as in compliance with a standard assessment tool approved by the department for the initial assessment of youth, and include age specific standards and performance measures that the department adopts. Any licensed professional, public or private out-patient clinic, hospital, employer or union sponsored program, or any other organization, facility, service or internet accessible program which the department has accepted as appropriate for the purposes of this section may be certified as a youth alcohol education program provider. The department of public health shall make a list of certified youth alcohol education program providers available to the public. Any person participating in said program shall pay directly to a certified provider to enroll in the youth alcohol education program. Enrollment in said program and satisfactory completion of its conditions, including substance abuse screening if deemed appropriate, may be in lieu of any conviction, adjudication or motor vehicle license penalty ordinarily imposed by Section 34A or 34C of this chapter. The registrar of

29 motor vehicles shall not consider citations issued under this section a violation of the motor
30 vehicle laws.